

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>DOUGLAS STEWART CARTER, Petitioner,</p> <p>vs.</p> <p>STEVEN TURLEY, Warden of the Utah State Prison, Respondent.</p>	<p>MEMORANDUM DECISION AND ORDER GRANTING MOTION FOR EXTENSION OF TIME</p> <p>Case No. 2:02-CV-326 TS</p>
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Respondent's counsel seeks a brief extension of time to file a Reply in support of its Motion to Vacate on the grounds that counsel inadvertently missed the reply date. Respondent represents that the Reply was due on November 26, 2008, and requests and extension to December 10, 2008. The Court notes that the Reply was actually due December 3, 2008, because under Fed. R. Civ P. 6(a)(b)(2), weekends and holidays are excluded in computing the seven-day reply period because it is less than eleven days. Further, the three-day mailing rule applies when a document, such as the Opposition, is served electronically.¹ November 27, 2008, was a holiday and the court was

¹District of Utah CM/ECF Administrative Procedures Manual, § II (H)(5).

administratively closed on November 28, 2008.² The Court has considered the circumstances of the Motion, include the intervening holiday, the length of Petitioner's Opposition and attached exhibits, the fact that Respondent has not previously been granted an extension regarding the Motion to Vacate Stay, and the brief nature of the requested extension. The Court finds that a brief extension from December 3, 2008, to December 10, 2008—five working days—will not be prejudicial under the circumstances. It is therefore

ORDERED that Respondent's Motion for Extension of Time (Docket No. 275) is GRANTED.

DATED December 10, 2008.

BY THE COURT:



TED STEWART
United States District Judge

²DUCivR 6-1 (extending deadlines when court is closed by administrative order).